

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4538

FISCAL
NOTE

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[Introduced February 03, 2022; Referred to the

Committee on Veterans' Affairs and Homeland

Security then Finance]

1 A BILL to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating
2 to a one time raise in pay for certain members of the State Police.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system state; salaries; exclusion from wage and hour laws, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

1 (a) The superintendent shall establish within the West Virginia State Police a system to
2 provide for: (1) The promotion of members to the supervisory ranks of sergeant, first sergeant,
3 second lieutenant, and first lieutenant; (2) the classification of nonsupervisory members within the
4 field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; and
5 (3) the temporary reclassification of members assigned to administrative duties as administrative
6 support specialist I-VIII. The promotion of individuals in the forensic laboratory shall include the
7 classifications of Evidence Custodians I-IV, Forensic Technicians I-III, Forensic Scientists I-VI,
8 and Forensic Scientist Supervisors I-IV, based on the Forensic Lab Career Progression System.

9 (b) The superintendent may propose legislative rules for promulgation in accordance with
10 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and
11 independent review of any system developed under the provisions of this section.

12 (c) The superintendent shall provide to each member a written manual governing any
13 system established under the provisions of this section and specific procedures shall be identified
14 for the evaluation and testing of members for promotion or reclassification and the subsequent
15 placement of any members on a promotional eligibility or reclassification recommendation list. A
16 written manual shall also be provided to individuals within the forensic laboratory governing any
17 system established under the provisions of this section and specific procedures shall be identified
18 for the evaluation of promotion or reclassification of those individuals.

19 (d) Beginning on July 1, 2019, members shall receive annual salaries payable at least

20 twice per month as follows:

21 ANNUAL SALARY SCHEDULE (BASE PAY)

22 SUPERVISORY AND NONSUPERVISORY RANKS

23 Cadet During Training \$ 38,524

24 Cadet Trooper After Training 45,784

25 Trooper Second Year 46,796

26 Trooper Third Year 47,179

27 Senior Trooper 47,578

28 Trooper First Class 48,184

29 Corporal 48,790

30 Sergeant 53,091

31 First Sergeant 55,242

32 Second Lieutenant 57,392

33 First Lieutenant 59,543

34 Captain 61,694

35 Major 63,844

36 Lieutenant Colonel 65,995

37 ANNUAL SALARY SCHEDULE (BASE PAY)

38 ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

39 I \$46,796

40 II 47,578

41 III 48,184

42 IV 48,790

43 V 53,091

44 VI 55,242

45 VII 57,392

46 VIII 59,543

47 Beginning on July 1, 2021, designated individuals within the forensic laboratory shall
48 receive annual base salaries payable at least twice per month as follows:

49 ANNUAL SALARY SCHEDULE (BASE PAY)

50 EVIDENCE CUSTODIAN

51 I \$35,650

52 II 37,978

53 III 41,639

54 IV 44,666

55 FORENSIC TECHNICIAN

56 I \$37,850

57 II 39,544

58 III 43,426

59 FORENSIC SCIENTIST

60 I \$45,050

61 II 47,234

62 III 49,338

63 IV 51,737

64 V 55,263

65 VI 59,063

66 FORENSIC SCIENTIST SUPERVISOR

67 I \$61,762

68 II 65,326

69 III 69,104

70 IV 73,108

71 Each member of the West Virginia State Police whose salary is fixed and specified in this

72 annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this
73 code and supplemental pay as provided in §15-2-5(g) of this code.

74 (e) Each member of the West Virginia State Police whose salary is fixed and specified
75 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
76 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served
77 before and after the effective date of this section with the West Virginia State Police as follows:
78 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with
79 the West Virginia State Police, the member shall receive a salary increase of \$500 to be effective
80 during his or her next year of service and a like increase at yearly intervals thereafter, with the
81 increases to be cumulative. The forensic laboratory employees whose salaries are fixed and
82 specified pursuant to this section, shall receive, and are entitled to, an increase in salary over that
83 set forth in §15-2-5(d) of this code, in accordance with §15-2-7(h) of this code.

84 (f) In applying the salary schedules set forth in this section where salary increases are
85 provided for length of service, members of the West Virginia State Police in service at the time
86 the schedules become effective shall be given credit for prior service and shall be paid the salaries
87 the same length of service entitles them to receive under the provisions of this section.

88 (g) The Legislature finds and declares that because of the unique duties of members of
89 the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour
90 laws to them. Accordingly, members of the West Virginia State Police are excluded from the
91 provisions of state wage and hour laws. This express exclusion shall not be construed as any
92 indication that the members were or were not covered by the wage and hour laws prior to this
93 exclusion.

94 In lieu of any overtime pay they might otherwise have received under the wage and hour
95 laws, and in addition to their salaries and increases for length of service, members who have
96 completed basic training and who are exempt from federal Fair Labor Standards Act guidelines
97 may receive supplemental pay as provided in this section.

98 The authority of the superintendent to propose a legislative rule or amendment thereto for
99 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours
100 per month which constitute the standard pay period for the members of the West Virginia State
101 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
102 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
103 of the standard pay period. The superintendent shall certify at least twice per month to the West
104 Virginia State Police payroll officer the names of those members who have worked in excess of
105 the standard pay period and the amount of their entitlement to supplemental payment. The
106 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian
107 employees of the West Virginia State Police are not eligible for any supplemental payments.

108 (h) Each member of the West Virginia State Police, except the superintendent and civilian
109 employees, shall execute, before entering upon the discharge of his or her duties, a bond with
110 security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful
111 performance of his or her duties, and the bond shall be approved as to form by the Attorney
112 General and as to sufficiency by the Governor.

113 (i) In consideration for compensation paid by the West Virginia State Police to its members
114 during those members' participation in the West Virginia State Police Cadet Training Program
115 pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by
116 written agreement entered into with each of them in advance of such participation in the program
117 that, if a member should voluntarily discontinue employment any time within one year immediately
118 following completion of the training program, he or she shall be obligated to pay to the West
119 Virginia State Police a pro rata portion of such compensation equal to that part of such year which
120 the member has chosen not to remain in the employ of the West Virginia State Police.

121 (j) Any member of the West Virginia State Police who is called to perform active-duty
122 training or inactive duty training in the National Guard or any reserve component of the armed
123 forces of the United States annually shall be granted, upon request, leave time not to exceed 30

124 calendar days for the purpose of performing the active duty training or inactive duty training and
125 the time granted may not be deducted from any leave accumulated as a member of the West
126 Virginia State Police.

127 (k) Effective July 2022, each trooper of the West Virginia State Police, except the
128 superintendent and civilian employees, shall receive a onetime salary raise of \$20,000.

NOTE: The purpose of this bill is to give a onetime raise to State Police troopers of \$20,000.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.